

REMARKS/ARGUMENTS

After the foregoing amendment, Claims 25-33 are active in the present application. Claims 25 and 31 have been amended. The amendment further clarifies the structure of the claimed invention. Reconsideration of the present application is respectfully requested in view of the amendments and following remarks.

Claims 25-33 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakano (JP 6-291202) in view of Okumura (U.S. Patent No. 4,984,055). Applicant has amended independent claims 25 and 31 to more clearly describe the invention.

The Examiner asserts that Nakano teaches a semiconductor device having a substrate, an insulating film (12) on the substrate, wirings (13) on insulating film (12), and a passivation layer covering a surface of the insulating film and wirings. The Examiner then cites to Okumura to show an interlayer insulating film and wirings located on the interlayer insulating film. The Examiner concludes that it would be obvious to combine the Nakano and Okumura et al. to provide the claimed invention.

Independent claims 25 and 31 require, among other things, “a passivation film covering *top surfaces* of the interlayer insulating film and the wirings” (emphasis added). Furthermore, independent claims 25 and 31 require that “no wiring is present on the passivation film.”

Applicant submits that there is no teaching or suggestion provided in Nakano nor Okumura for a semiconductor device which includes which includes passivation film as claimed. In fact, Applicant submits that, if anything, the cited references teach away from using the structure of Nakano as a passivation layer. As noted in the English language abstract accompanying the Nakano reference, “the semiconductor substrate does not react with moisture in atmosphere which does not generate swelling effect in the SOG films *before forming a layer to layer insulation film.*” (Emphasis added). This description indicates that the structure of Nakano, similar to the structure of Okumura, is specifically required to be an interlayer insulation film. This is reinforced by the statement that the structure reduces SOG swelling, which indicates that the layer is intended to be an interlayer insulating film having contact or via holes

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etched into it. As is well known, swelling in a SOG layer having contact or via holes may cause problems with a semiconductor device.

Furthermore, Applicant submits that none of the cited references, alone or in combination, teach or suggest a semiconductor device in which "no wiring is present on the passivation film," as required by independent claims 25 and 31. To the contrary, Nakano teaches in the specification, forming an Al wiring arranged on an interlayer insulating film on a second SOG film (16). Applicants submit, similarly as described above, that this description teaches away from using the second SOG film (16) as a passivation film as claimed. Okumura discloses a polysilicon layer (16) arranged on an oxide layer (14) on an intermediate SOG layer (13), as illustrated in Fig. 13D, for example. Accordingly, the SOG layer (16) does not function as a passivation film as claimed. Accordingly, Applicant submits that the invention, as claimed in claims 25 and 31, is not obvious over the combination of Okumura and Nakano, and that claims 25 and 31 are allowable over the cited references. Furthermore, Applicant submits that Claims 26-30, and 32-33, which depend (directly or indirectly) from the independent claims, are also allowable over the cited references for at least the same reasons as described with respect to the independent claims.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: Kenneth C. Winterton

Kenneth C. Winterton
Registration No. 48,040
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

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